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EXTRAORDINARY

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LOK SABHA

The following Bill was introduced in the Lok Sabha on 6th August, 1956:—

BILL* No. 44 OF 1956.

[A Bill to provide for an increase in the number of Judges of the Supreme Court, excluding the Chief Justice.]

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Supreme Court (Number of Judges) Act, 1956. Short title.

5 2. The maximum number of Judges of the Supreme Court, excluding the Chief Justice of India, shall be ten. Maximum number of Supreme Court Judges, other than Chief Justice.

*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to Lok Sabha the consideration of the Bill.

STATEMENT OF OBJECTS AND REASONS

Under article 124 of the Constitution the Supreme Court shall consist of a Chief Justice and, until Parliament by law prescribes a larger number, of not more than seven other Judges. The present strength of this Court is the maximum permissible under this article and an increase in the number of Judges is possible only by parliamentary legislation. The Chief Justice of India has pointed out that in view of the larger number of constitutional appeals coming up for decision before the Court it is necessary to have a constitutional bench sitting practically all the time and a constitutional bench has to have five Judges in view of the requirement of article 145(3). Other benches of the Supreme Court should ordinarily consist of a minimum of three Judges, since they will generally be hearing appeals from various High Courts disposed of by two or more Judges. The increase in the volume of work of the Supreme Court requires that there should be two such benches, instead of one as at present, functioning throughout the year and for this purpose three more Judges require to be appointed. The present Bill seeks to meet this end.

G. B. PANT.

NEW DELHI;
The 27th July, 1956.

FINANCIAL MEMORANDUM

This Bill provides for an increase in the strength of the Supreme Court by three more Judges. The salary to be paid to each of these Judges will be rupees four thousand per mensem and they will also be entitled to the use of an official residence without payment of rent under sub-paragraph (2) of paragraph 9 of Part D of the Second Schedule to the Constitution. The total cost on account of these Judges will, therefore, be rupees one lakh forty-four thousand per annum plus the cost of maintaining three official residences.

2. The salaries, allowances and pensions payable to the Judges of the Supreme Court of India are a charge on the Consolidated fund of India under article 112 (3).

M. N. KAUL,
Secretary.

